REMARKS/ARGUMENTS:

This application has been reviewed in light of the Office Action mailed on July 21, 2009. Claims 1-18 are pending in the application with Claims 1 and 10 being in independent form. By the present amendment, Claims 1 and 10 have been amended. Support for the amendments can be found throughout Applicants' specification, such as in Figures 2, 4 and 5 and at least at page 2, lines 5-8, page 3, lines 26-34, and page 5, lines 9-12. No new matter or issues are believed to be introduced by the amendments.

Claims 1-3, 5, 8, 10-12, 14, and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by Truman et al. (U.S. Patent No. 7,447,631).

Claim 1, as amended herein, recites, *inter alia*, as follows:

> "...the quantization noise **derived from estimated bit-stream code fragments without having an original audio signal fragment available**... (Emphasis added.)

Truman fails to disclose and/or suggest "...the quantization noise derived from estimated bit-stream code fragments without having an original audio signal fragment available," as recited in amended independent Claim 1.

In the present disclosure, the quantization noise is detected after post-processing without having an original audio fragment available and by adjusting the degree of post-processing. Only the bit stream of the coded fragment for the audio signal is available to aid in determining the noise level(s) of the signal(s). Thus, the claims of the present disclosure are directed to a system configuration that permits the estimation of noise levels from the bit stream coded fragment, and not from an original fragment. In contrast, Truman discloses a decoder that avoids or reduces degradation by filling spectral holes with synthesized spectral components

(Abstract), where the decoder decodes encoded representations and identifies sub-band signals in which one or more spectral components have non-zero values and a plurality of components that have zero values (column 9, lines 1-6). In other words, an original audio fragment is necessary in Truman. Additionally, Truman substitutes one type of component for another type of component in order to fill in gaps in the signal to reduce noise. In contrast, the claims of the present disclosure are not directed to substituting components, but are directed to post-processing adjustments of noise. In other words, post-processing may be reduced by adjusting one or more parameters, such as α, where α is a parameter provided by the regulator 18 in FIG. 2 of the present disclosure.

Accordingly, amended independent Claim 1 is believed to be distinguishable from Truman for at least the reasons described above.

Amended independent Claim 10, is substantially similar to amended independent Claim 1, and, due to such similarities, is also believed to be distinguishable from Truman for at least the reasons described above.

Claims 2-3, 5, 8, 11-12, 14, and 17 depend from one of independent Claims 1 and 10, and, at least due to such dependency, are believed to be distinguishable from Truman for at least the reasons described above with regard to independent Claims 1 and 10.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claims 1-3, 5, 8, 10-12, 14, and 17 and allowance thereof are respectfully requested.

Claims 4 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Truman in view of Kirkeby (U.S. Patent No. 6,928,168).

Claims 4 and 13 depend from one of independent Claims 1 and 10, and, at least due to such dependency, are believed to be distinguishable from Truman. The Examiner does

not rely on Kirkeby to overcome the above-described deficiencies of Truman. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 4 and 13 and allowance thereof are respectfully requested.

Claims 7 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Truman in view of Moehrs et al. ("*Analyzing decompressed audio with the 'Inverse Decoder' - towards and Operative Algorithm*," AUDIO ENGINEERING SOCIETY CONVENTION PAPER, May 2002 ("Moehrs")).

Claims 7 and 16 depend from one of independent Claims 1 and 10, and, at least due to such dependency, are believed to be distinguishable from Truman. The Examiner does not appear to rely on Moehrs to overcome the above-described deficiencies of Truman. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 7 and 16 and allowance thereof are respectfully requested.

Claims 6 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Truman in view of Hong et al. (U.S. Patent No. 5,054,075).

Claims 6 and 9 depend, either directly or indirectly, from independent Claim 1, and, at least due to such dependency, are believed to be distinguishable from Truman. The Examiner does not rely on Hong to overcome the above-described deficiencies of Truman. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 6 and 9 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-18, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

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